

AGENDA ITEM #

March 15, 2002

To: Delta Protection Commission

From: Margit Aramburu

Subject: SB 1854, Delta Conservancy Legislation (Senator Machado)
(For Commission Consideration and Possible Action)

BACKGROUND:

Senator Machado has drafted legislation that would create a new State agency--the Delta Conservancy. He has asked for comments to improve the draft legislation and has asked for broad support for the legislation.

WHAT IS THE NEW AGENCY?

The new agency would be the Delta Conservancy within the Resources Agency. Already existing conservancies include: Coastal Conservancy (which has a San Francisco Bay program); Tahoe Conservancy; San Joaquin River Conservancy; Baldwin Hills Conservancy; Santa Monica Mountains Conservancy; Coachella Valley Mountains Conservancy; and San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.

WHO WOULD MAKE DECISIONS?

The decision making body is a board made up of 15 voting members and six non-voting members.

Voting:

- One member of the Board of Supervisors of each of the five Delta counties whose district is within the Primary Zone.
- Three elected city council members selected and appointed by city selection committees from North Delta (Yolo and Sacramento Counties), South Delta (San Joaquin County), and West Delta (Solano and Contra Costa Counties).
- The Chair of the Delta Protection Commission
- The Secretary of Resources Agency, or designee.

- Five public members who reside in one of the five Delta counties--three appointed by the Governor, one appointed by Senate Committee on Rules, and one appointed by Speaker of Assembly.

Nonvoting:

- Director of Parks and Recreation
- Director of Fish and Game
- Director of Food and Agriculture
- Executive Office of the State Lands Commission
- Director of Boating and Waterways
- Director of Water Resources

WHAT IS THE AREA OF INTEREST/CONCERN?

The Delta Conservancy would work in the Legal Delta, and could assist entities working in adjacent and watershed lands.

WHAT WOULD THE DELTA CONSERVANCY DO?

The overall objective of the conservancy is to assist in accomplishing land transactions that are mutually beneficial to the landowner by adding value to the land, while meeting natural resource conservation and other Delta objectives.

1. Acquire and manage public lands in the Primary and Secondary Zones of the Delta for low-impact recreation and educational uses and wildlife protection.
The Conservancy can determine acquisition priorities and may acquire or exchange property of coordinate acquisition of property through a member agency or other public agencies.
2. Coordinate acquisition of lands with the CALFED program (Framework Agreement and Record of Decision) for enhancing water supply, water quality, ecosystem restoration, and levee stability.
3. Award grants for projects that assist farmers in integrating agricultural activities that enhance the ecosystem (wildlife friendly farming, innovative farming technology, levee maintenance, improvement of water quality and water usability, habitat benefits, and integrated pest management.)
4. Provide technical assistance to landowners.
5. Provide grants to local, state, and federal agencies and to nonprofit organizations to carry these tasks.

HOW WOULD THE CONSERVANCY BE FUNDED?

There is no funding attached to the legislation. Other conservancies have base funding from General Fund, or other funds, and receive implementation funds from bonds.

ISSUES:

- How would the Delta Conservancy coordinate its activities and program with the Delta Protection Commission, the Delta Protection Act, and the adopted Land Use Plan?
- Would the Delta Conservancy's acquisition strategy use adopted plans and reports developed by the Delta Protection Commission, or plans developed by CALFED that have been reviewed and approved by CALFED?
- Would proposed Delta Conservancy acquisitions be reviewed and commented upon by the Delta Protection Commission?
- Would the Delta Conservancy office be located in the Legal Delta? Would the Delta Conservancy be located near or in the same building/offices as the Delta Protection Commission?
- Could the Delta Conservancy be directed to carry out its program with acquisition of minimum land ownership interests, for example easements over fee title acquisition?
- Could the Delta Conservancy be directed to ensure/require that habitat enhancements not adversely impact adjacent or nearby agricultural land uses (seepage, weeds, restriction of spraying, etc.)--commonly called the "good neighbor" policy.